

# EXHIBIT 2

1 UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF NEW YORK

3 -----  
4 **BLACK LOVE RESISTS IN THE RUST, et al.,**  
5 **individually and on behalf of a class of**  
6 **all others similarly situated,**

7 Plaintiffs,

8 -vs-

1:18-cv-00719-CCR

9 **CITY OF BUFFALO, N.Y., et al.,**

10 Defendants.  
11 -----

12 **DEPOSITION OF JOSEPH GRAMAGLIA**

13 **Taken pursuant to Rule 30(b)(6)**

14 **of the Federal Rules of Civil Procedure**

15 APPEARING REMOTELY FROM

16 BUFFALO, NEW YORK

17 January 24th, 2024

18 At 2:15 p.m.

19 Pursuant to notice

20  
21 REPORTED BY:

22 Rebecca L. DiBello, RPR, CSR(NY)

23  
**DEPAOLO CROSBY REPORTING SERVICES, INC.**

135 Delaware Avenue, Suite 301, Buffalo, New York 14202  
716-853-5544

**R E M O T E   A P P E A R A N C E S**

APPEARING FOR THE PLAINTIFFS:

**COVINGTON & BURLING, LLP**  
**BY: JORDAN JOACHIM, ESQ.,**  
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APPEARING FOR THE DEFENDANTS:

**HODGSON RUSS, LLP**  
**BY: ADAM W. PERRY, ESQ.**  
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140 Pearl Street  
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ALSO PRESENT:

**ANDREW TIMMICK, ESQ.,**  
Covington & Burling, LLP

**A. CHINYERE EZIE, ESQ.,**  
Center for Constitutional Rights

**ANJANA MALHOTRA, ESQ.,**  
National Center for Law  
and Economic Justice

**CLAUDIA WILNER, ESQ.,**  
National Center for Law  
and Economic Justice

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—JOSEPH GRAMAGLIA—

1           it on the traffic ticket, so how are you going  
2           to audit the data that's not there and it  
3           would be -- you don't have it. You don't have  
4           to it audit.

5           Q. So is there any other reason why those audits  
6           are not completed?

7                       MS. FREELY: Objection to form.

8           A. The reason is that we conduct traffic stops  
9           based on constitutional policing, based on  
10          probable cause that the operator of the  
11          vehicle committed a vehicle and traffic  
12          violation.

13                   We don't stop people based on their race  
14           in either direction. We stop people if we  
15           have a valid reason, probable cause to stop  
16           that vehicle for a vehicle and traffic  
17           violation. If somebody goes through a stop  
18           sign regardless of what their race is and it  
19           was in the presence of the officer, which is a  
20           requirement for a traffic infraction. It has  
21           to be in the officer's presence. They should  
22           if they can stop that vehicle and take  
23           appropriate action.

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—JOSEPH GRAMAGLIA—

1 to the best of their ability on that -- in  
2 response to that?

3 A. It's a mandatory field. They cannot validate  
4 that form and print it out without putting  
5 something in the box.

6 Q. Are officers asked to fill out that -- to fill  
7 in race on that form to the best of their  
8 ability?

9 A. Yes, if they can.

10 Q. I'd like to show Exhibit 50. This is the  
11 Buffalo Police Department rules and  
12 regulations. Do you see that?

13 A. I do.

14 Q. And is it your position that -- and by the  
15 way, this is the rules and regulations prior  
16 to the MOP update we were previously  
17 discussing, right?

18 A. Yes.

19 Q. And you testified that there is provisions  
20 that prohibit racial bias; is that right?

21 MS. FREELY: Objection to form.

22 A. Yes.

23 Q. Do you recall, looking at the table of

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1 contents, what part of the rules and  
2 regulations?

3 A. Well, you can go to Section 2.12.

4 Q. Do we have the whole thing here? Okay. 2.12.

5 A. Attitude and impartiality.

6 Q. Does that say anything about racial bias or  
7 discrimination?

8 MS. FREELY: Objection to form.

9 A. It doesn't say it specifically, but it --  
10 employees while vigorous and unrelenting in  
11 their enforcement of law must maintain a  
12 strictly impartial attitude toward  
13 complainants, violators, witnesses and  
14 suspects.

15 Q. So that doesn't say anything about racial bias  
16 or discrimination, correct?

17 MS. FREELY: Same objection.

18 A. Well, impartial attitude means you shall have  
19 an impartial attitude across the board, so  
20 it's kind of a larger umbrella over that.

21 Q. Are there any other provisions of these rules  
22 and regulations you believe prohibit racial  
23 bias or discrimination?

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—JOSEPH GRAMAGLIA—

1 A. Conduct, Section 3.2.

2 Q. Does this provision say anything about racial  
3 bias or discrimination?

4 MS. FREELY: Objection to form.

5 A. It doesn't say those exact words but, again,  
6 it's an overarching umbrella that covers  
7 everything, all of that, how you are to  
8 conduct yourself.

9 Q. Any other provisions you're aware of?

10 A. No. Those are the two main overarching  
11 umbrellas that -- we would use conduct as  
12 really much more widely used. When doing  
13 charges that there was to be a violation of  
14 the Manual of Procedures or the rules and  
15 regulations conduct would be the overarching  
16 charge that almost always gets added on,  
17 depending on the conduct.

18 That would include if there were  
19 anything related to what we're discussing here  
20 or any types of racial bias.

21 Q. And why did you choose to make the prohibition  
22 on racial discrimination explicit in the MOP  
23 update from 2021?

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